

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:18 CR 893 RWS-2
)	
JASON DANIEL FREEMAN,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

The Court referred this matter to United States Magistrate Judge Patricia L. Cohen for a report and recommendation on pending motions pursuant to 28 U.S.C. § 636(b). On August 18, 2021, Judge Cohen filed her Report and Recommendation that defendant's motion to suppress Title III intercepts [183] should be denied as untimely and meritless. [236].

Defendant objects to the Report and Recommendation [243], primarily on the ground that his motion was timely. This Court has conducted a de novo review of all matters relative to defendant's motion and objections, including a review of the transcript of the evidentiary hearing held in person, at defendant's insistence, on April 13, 2021. [218]. After careful consideration, I will adopt and sustain Judge Cohen's Report and Recommendation to the extent it recommends

denying the motion as meritless. However, I agree with defendant that his motion, which bears the postmark date of November 25, 2020 (Doc. 183 at 5), should be considered timely filed and I therefore decline to adopt that portion of Judge Cohen's Report and Recommendation which concludes that defendant's motion is untimely.

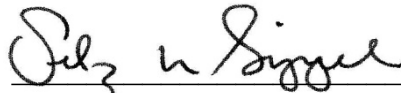
Judge Cohen went on to determine that, even if timely filed, the motion should be denied as meritless. Her findings on this issue will be adopted for the reasons set out in the Report and Recommendation. Judge Cohen correctly determined that defendant's motion raised only the issue of sealing and did not challenge necessity or minimization and that argument, to the extent it was raised at the hearing on April 13, 2021, was untimely raised and waived. For that reason, Judge Cohen correctly declined to consider it. Defendant's generic complaints about the sealing of the wiretaps do not entitle him to any relief and are not an appropriate ground for suppression, and the Court denies the motion to suppress on the merits for the reasons set out in the Report and Recommendation.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation filed on August 18, 2021 [236] is adopted and sustained only to the extent it concludes that the motion to suppress should be denied as meritless.

IT IS FURTHER ORDERED that defendant's objections to the Report and Recommendation [243] are sustained only as to the issue of the timeliness of defendant's motion, and are otherwise overruled as to the merits of the motion.

IT IS FURTHER ORDERED that defendant's motion to suppress Title III intercepts [183] is denied.

A handwritten signature in black ink, appearing to read "Rodney W. Sippe", is written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this day of October, 2021.